IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.911 OF 2002

IN

ARBITRATION PETITION NO.129 OF 1994

IN

ARBITRATION AWARD NO.23 OF 1992

Kesarsingh Mohansingh ...Appellant

v/s

M/s Indian Oil Corporation Ltd. and anr. ...Respondents

Mr U.S.R. Singh for Appellant.

Mr A.Y. Bookwala, Sr. Counsel with Mr S.U. Mehta i/b M/s Malvi Ranchoddas and Co. for Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 25TH OCTOBER 2007.

P.C. :-

1. By this appeal, the appellant challenges the order passed by the learned Single Judge of this Court dated 18th December 2000 in arbitration petition No.129 of 1994. that petition was filed under section 30 of the Indian Arbitration Act 1940 challenging the award made by the Arbitrator dated 4th February 1992. The award was a non-speaking award. The learned Single Judge therefore held that considering the law laid down by the Supreme Court in relation to entertaining objections as against non-speaking award, there is very little scope to interfere. Before us, it was submitted that earlier, the dealership of the petitioner was terminated and the reason given in the notice was his mis-conduct of submitting forged certificates. That termination was set aside. Now by notice dated 27th May 1991, the dealership was again terminated. According to the learned counsel appearing for appellant, as the previous notice of termination of dealership was held to be invalid, this notice of termination of dealership also is invalid. The submission is devoid of any substance. The notice dated 27th May 1991 in terms relies on clause 21 of the dealership agreement which gives powers to the respondents to terminate the agreement without giving any reason by giving not less

than 30 days' notice in writing. The learned Single Judge therefore held that this is a case of simplicitor termination pursuant to the powers given in the agreement. In short, we find no substance in the appeal. There is no reason to interfere with the order impugned in the appeal. Appeal is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)